

September 1, 2005

**VIA ELECTRONIC FILING**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
The Portals  
445 12th Street, S.W.  
Washington, D.C. 20554

Re: **Subscriber Acknowledgement Report (September 1, 2005)  
Vonage America Inc.; WC Docket No. 05-196**

Dear Ms. Dortch:

Vonage America Inc. ("Vonage"), through its undersigned counsel and in response to the Commission's VoIP E911 Order ("Order") and the Public Notice issued by the Enforcement Bureau ("Bureau") on August 26, 2005 ("Public Notice"), submits this Subscriber Acknowledgement Report ("Report") to advise the Commission of the status of Vonage's efforts to comply with Commission Rule 9.5(e). Vonage previously filed a Subscriber Acknowledgement Report on August 10, 2005 in response to the Bureau's July 26, 2005 Public Notice ("August 10 Report").

As requested in the Public Notice, Vonage responds to the following questions set out in the Public Notice:

- 1) **A detailed explanation regarding current compliance with the notice and warning sticker requirements if the provider did not notify and issue warning stickers or labels to 100% of its subscribers by the July 29, 2005 deadline. Providers expected to update this information include those that were in the process of providing notice and/or stickers to their subscribers, but had not completed the process by July 29, 2005.**

Not applicable. Vonage sent advisories and warning labels to all of its then-existing customers by July 29, 2005.

- 2) **A quantification of the percentage of the provider's subscribers that have submitted affirmative acknowledgements as of the date of the September 1 and September 22**

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**reports, and an estimation of the percentage of subscribers from whom the provider does not expect to receive an acknowledgement by September 28, 2005.**

As of September 1, 2005, Vonage has obtained affirmative acknowledgement from more than 97% of its subscriber base. However, given the size of Vonage's subscriber base, it still must obtain acknowledgements from thousands of customers. Vonage cannot predict with precision what its final response rate will be by September 28, 2005.

**3) A detailed description of any and all actions the provider plans to take towards any of its subscribers that do not affirmatively acknowledge having received and understood the advisory.**

The Company will continue contacting non-responsive customers to obtain affirmative acknowledgement through various means, including emails, U.S. postal mail, and automated calls. For those customers who have not yet acknowledged Vonage's advisory, Vonage is currently investigating whether such customers are U.S. VoIP subscribers covered by the Order or international VoIP subscribers not covered by the Order. Although Vonage believes that it can achieve higher rates of responsiveness by September 28, 2005, the Company anticipates that despite its best efforts, Vonage may not be able to obtain affirmative acknowledgement from a small minority of its covered subscribers by that deadline. Vonage is prepared to restrict the ability of those covered subscribers who still have not responded by September 28, 2005 to use their VoIP service. Vonage is in the processes of modifying its systems to ensure that (1) appropriate calling restrictions can be imposed by September 28, 2005, (2) subscribers who have had their service restricted can promptly submit an affirmative acknowledgment through the use of one of several systems, including an Interactive Voice Response ("IVR"), and (3) the VoIP calling restrictions can be lifted as soon as possible upon receipt of affirmative acknowledgment.

**4) A detailed description of any and all plans to use a "soft" or "warm" disconnect (or similar) procedure for subscribers that fail to provide an affirmative acknowledgment by September 28, 2005.**

Vonage is in the process of implementing a "soft" disconnect capability that can be used to restrict the ability of its subscribers to make outbound calls using Vonage's service until the subscriber has completed the affirmative acknowledgement process. This capability will still allow the Vonage subscriber to place 911 calls and to receive inbound calls. Provided that the FCC clarifies that this "soft" disconnect process is permissible, Vonage will implement this soft disconnect policy for customers that have not affirmatively acknowledged Vonage's E911 disclosures by September 28, 2005. A 911 call placed by a customer in soft disconnect status will be routed in the same manner as 911 calls placed by customers who have acknowledged the advisory and whose accounts are active. Once a subscriber has submitted an affirmative acknowledgment, Vonage will promptly restore that customer's service.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tamar E. Finn". The signature is fluid and cursive, with the first name "Tamar" being more prominent than the last name "Finn".

William B. Wilhelm, Jr.

Tamar E. Finn

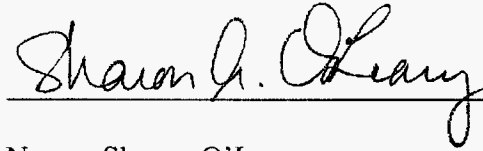
Edward S. Quill, Jr.

Counsel for Vonage America, Inc.

cc: Byron McCoy (FCC)  
Kathy Berthot (FCC)  
Janice Myles (FCC)  
Best Copy and Printing, Inc.

### VERIFICATION

I, Sharon O'Leary, state that I am Chief Legal Officer of Vonage Holdings Corp., the ultimate holding company of Vonage America Inc.; that I am authorized to submit this report on behalf of Vonage America Inc.; that the foregoing filing was prepared under my direction and supervision; and I declare under penalty of perjury that this report is true and correct to the best of my knowledge, information, and belief.

A handwritten signature in black ink, reading "Sharon O'Leary", written over a horizontal line.

Name: Sharon O'Leary

Title: Chief Legal Officer

Vonage Holdings Corp.